

**SENATE . . . . . No. 22****The Commonwealth of Massachusetts**

PRESENTED BY:

**Richard T. Moore**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

A Proposal for a legislative amendment to the Constitution establishing an independent redistricting commission

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	Worcester and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Bruce E. Tarr	First Essex and Middlesex
Susan C. Tucker	Second Essex and Middlesex
F. Jay Barrows	1st Bristol
John V. Fernandes	10th Worcester
Jennifer M. Callahan	18th Worcester
John F. Quinn	9th Bristol
Richard J. Ross	9th Norfolk
John W. Scibak	2nd Hampshire
Ellen Story	3rd Hampshire
Jay R. Kaufman	15th Middlesex
Robert L. Hedlund	Plymouth and Norfolk
Richard R. Tisei	Middlesex and Essex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

## *PROPOSAL for a legislative amendment to the Constitution establishing an independent redistricting commission*

A majority of all the members elected to the Senate and House of Representatives, in joint session, hereby declares it to be expedient to alter the Constitution by the adoption of the following Article of Amendment, to the end that it may become a part of the Constitution [if similarly agreed to in a joint session of the next General Court and approved by the people at the state election next following]:

### ARTICLE OF AMENDMENT.

1           SECTION 1. ARTICLE OF AMENDMENT

2           Article CI of the Articles of Amendment to the Constitution of the Commonwealth is  
3 hereby annulled, and the following is adopted in place thereof:

4           Article CI

5           The House of Representatives shall consist of one hundred and sixty members, each of  
6 whom shall be elected from one representative district. Every representative shall have been an  
7 inhabitant of the district for which he or she is chosen for at least one year at least immediately  
8 preceding his or her election and shall cease to represent such district when he or she shall cease  
9 to be an inhabitant of the Commonwealth, provided, however, that for the first redistricting  
10 following the adoption of this article, the General Court may suspend the residency requirement  
11 of this section.

12           SECTION 2. The Senate shall consist of forty members, each of whom shall be elected  
13   from one senatorial district. Every senator shall have been an inhabitant of the Commonwealth  
14   for at least five years immediately preceding his or her election and shall be an inhabitant of the  
15   district for which he or she has been selected at the time of his or her election and shall cease to  
16   represent such senatorial district when he or she shall cease to be an inhabitant of the  
17   Commonwealth.

18           SECTION 3. The manner of calling and conducting the elections for the choice of  
19   representatives, senators, and councillors, and of ascertaining their election, shall be prescribed  
20   by law.

21           SECTION 4. The federal census shall be the basis for determining the representative,  
22   senatorial, and governor's council districts for the ten-year period beginning with the first  
23   Wednesday of the third January following the commencement of the taking of said census.

24           SECTION 5. In the year after each census is commenced, and only in that year, an  
25   Independent Redistricting Commission ("Commission") shall be convened and shall divide the  
26   Commonwealth into one hundred and sixty representative districts, forty senatorial districts, and  
27   eight councillor districts. All districts shall comprise contiguous territory, shall be equal in  
28   population to the extent required by law, and shall comply with federal constitutional and  
29   statutory requirements. No district shall be drawn for the purpose or with the effect of diluting  
30   the voting strength of any group based on race, ethnicity or language minority status, or for the  
31   purpose of augmenting or diluting the voting strength of a political party, or any individual. In  
32   drawing district lines, the Commission shall not consider residential address, party affiliation, or  
33   partisan voting history of any individual or groups of individuals, except to the extent necessary

to avoid dilution of voting strength based on race, ethnicity or language minority status. In addition, to the maximum extent possible, district boundaries shall be drawn so as to: (1) maintain the unity of well-defined municipal neighborhoods; (2) observe municipal boundaries; (3) establish senatorial districts that follow representative district boundaries; (4) establish councillor districts that follow representative district boundaries and (5) promote geographic compactness of districts. If it is not possible to draw district boundaries that fully comply with these criteria while also complying with the mandatory requirements set forth herein, then they shall be drawn to optimize the criteria in the order of priority set forth hereinabove. The Commission shall also consider communities of interest in determining which cities, towns, or neighborhoods thereof to aggregate into a single district.

SECTION 6. The Commission shall consist of seven member commissioners. On or before January 15 of the year following the commencement of the federal census, the following offices shall each appoint one member of the Commission: the Governor of the Commonwealth, who shall appoint a dean or professor of law or political science or government at an institution of higher learning in the Commonwealth; the Attorney General of the Commonwealth, who shall appoint a retired justice who resides in the Commonwealth; and the Secretary of the Commonwealth, who shall appoint an expert in civil rights law who is a resident of the Commonwealth.

By the same date, the House Speaker, the House Minority Leader, the Senate President, and the Senate Minority Leader shall each nominate three individuals. The appointees chosen by the Governor, Attorney General, and Secretary of the Commonwealth shall then select one of the three nominees named by each said official.

56           If nominations or appointments are not made by January 15 of such year, the office  
57 responsible for making the appointment or nominations shall forfeit its rights under this section  
58 and the remaining direct appointees shall then make an appointment to fill the vacancy.

59           Nominations and appointments shall reflect the geographic, racial, ethnic, gender, and  
60 age diversity of the Commonwealth to the maximum extent feasible and shall be selected on the  
61 basis of civic involvement and knowledge of redistricting policy, civil rights, political science,  
62 demographics or statistics, election expertise, voting rights, community organizing, or law. No  
63 person nominated or appointed to the Commission, in the five years preceding such nomination  
64 or appointment, shall have held Congressional, state legislative or statewide elective office, or  
65 shall have served as mayor or city councillor of a city in the Commonwealth, governor's  
66 councillor, or shall have been elected to a state or federal party committee; or shall be a current  
67 employee, agent or family member of any of the above; or, in the two years preceding such  
68 nomination or appointment, shall have been a legislative agent. The Commissioners shall agree:  
69 (1) not to stand for election to the General Court, Congress, or the Governor's Council until  
70 districts are redrawn following the next census; (2) to apply the provisions of this article in an  
71 honest, independent, and impartial fashion; and (3) to act at all times so as to uphold public  
72 confidence in the integrity of the redistricting process.

73           SECTION 7. The Commission shall be convened no later than February 15 of the year  
74 following the commencement of the decennial census. The Commission shall disband only upon  
75 final adoption and exhaustion of judicial review of challenges to representative, councillor, and  
76 senatorial districts.

77           SECTION 8. The Commission shall hire staff and may retain experts to assist it in the  
78 performance of its duties. The Commission shall establish rules governing its operation and  
79 procedures. Commissioners may receive compensation for actual time spent on Commission  
80 duties and shall be reimbursed for reasonable and necessary expenses. The budget of the  
81 Commonwealth shall provide adequate funding for the operation of the Commission.

82           SECTION 9. A member of the Commission or an appointing authority may petition the  
83 Supreme Judicial Court to remove a commissioner on the grounds of neglect, misconduct, or  
84 inability to perform the duties of a commissioner. A vacancy so created shall be filled by the  
85 office which appointed the removed commissioner or by the nomination and selection process  
86 set forth in Section 6, as applicable.

87           SECTION 10. All meetings of the Commission shall be open to the public, consistent  
88 with the laws of the Commonwealth concerning open meetings as of the date of the adoption of  
89 this Article. All documents produced by or for the Commission shall be public. The  
90 Commission shall hold public hearings in at least five geographically disbursed counties. The  
91 public shall be afforded the opportunity to submit proposed maps for consideration by the  
92 Commission and the Commission shall make map-making software available for public use. The  
93 Commission shall take all steps necessary to ensure that the public can exercise its right to  
94 review and comment on proposed district maps before they are approved and shall publish all  
95 preliminary and final plans in publicly accessible forums that are free of charge and that ensure  
96 wide public distribution. Proposed districts shall be presented in both graphic and narrative  
97 form.

98           SECTION 11. Within one hundred and twenty days of the completion of the decennial  
99 census, the Commission shall prepare and publish for public comment a preliminary plan for  
100 representative, councillor, and senatorial districts. The public shall have a three-week period to  
101 comment on the preliminary district plan. The Commission may revise the preliminary district  
102 plan in response to public comment and shall submit the revised plan to the General Court,  
103 which shall vote on the revised plan. If the plan is rejected, then the Commission shall prepare,  
104 publish, revise, and submit a second-round preliminary district plan in the same manner as the  
105 first. Following the period for public comment, the Commission shall submit the revised plan to  
106 the General Court for a vote. If the General Court votes to reject the second-round plan, then the  
107 Commission shall prepare, publish, revise, and submit a third-round preliminary district plan, in  
108 the same manner as the first. If the General Court rejects the third-round plan, then the  
109 Commission shall prepare, publish, and revise a fourth-round plan in the same manner. The  
110 plan, so revised, shall become law without submission to or approval by the General Court.

111           With respect to each plan the Commission submits to the General Court for a vote, the  
112 vote must be taken within two weeks of submission. No amendments to the plan as submitted  
113 may be made. If the plan is approved by a majority of the members of the House and Senate  
114 present and voting or if no vote is taken within the two-week period, then the plan as submitted  
115 shall become law.

116           SECTION 12. Original jurisdiction is hereby vested in the Supreme Judicial Court upon  
117 the petition of any voter of the Commonwealth for judicial relief relative to the establishment of  
118 the representative, councillor, and senatorial districts. The General Court may by law limit the  
119 time within which judicial proceedings may be instituted to challenge any redistricting map.